

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Naomi YAMAKAWA et al.)	
)	
Serial No.	:	10/590,122)	
)	
Cnfrm. No.	:	9927)	Examiner: Amber D. Steele
)	
Filed	:	August 18, 2006)	Art Unit: 1639
)	
For	:	DNA ARRAY FOR ANALYZING DNA)	
		METHYLATION, METHOD OF PRODUCING)	
		THE SAME AND METHOD OF ANALYZING)	
		DNA METHYLATION)	

RESPONSE TO SECOND ELECTION OF SPECIES REQUIREMENT

Mail Stop AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On November 16, 2009, the Examiner issued a supplemental Election of Species Requirement in the above-identified application.

As set forth in the Requirement (at page 2), the Examiner asserts that the claims currently under examination (i.e., claims 10 and 14-19) include multiple species of “DNA fragments prepared in step (1)” of independent claim 10. The Examiner indicates that a specific species of DNA fragment must be selected from sections 3a, 3b, or 3c of claim 10.

In response, applicants hereby elect, without traverse, the species of DNA fragment mixture recited in section **3a** of claim 10. Applicants submit that claims 10, 14, 16, and 17 are all readable on the elected species identified above. Upon allowance of a generic claim, applicants are entitled to and reserve the right to claim additional non-elected species that fully embrace the allowed generic claim.

If any unresolved issues remain that might prevent the prompt allowance of the present application, the Examiner is respectfully encouraged to contact the undersigned at the telephone number listed below to discuss these issues.

Because the present response is being submitted by the one-month shortened statutory period, no extension fee is required. However, the Commissioner is hereby authorized to charge any fees that may have been overlooked, or to credit any overpayments of fees, to Deposit Account No. 08-1935.

Respectfully submitted,

HESLIN ROTHENBERG FARLEY & MESITI P.C.

Dated: **December 11, 2009** By: **/Andrew K. Gonsalves/**

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